

This record is a partial extract of the original cable. The full text of the original cable is not available.

211517Z Dec 04

C O N F I D E N T I A L MANAMA 001914

SIPDIS

E.O. 12958: DECL: 12/21/2014

TAGS: [PTER](#) [ASEC](#) [PREL](#) [BA](#)

SUBJECT: CONSTITUTIONAL COURT ACCEPTS TERROR SUSPECT CASE

REF: MANAMA 1834

Classified By: Ambassador William T. Monroe. Reason: 1.4 (B)(D)

[1](#)1. (C) As expected, Bahrain's Criminal Court decided on December 20 to temporarily suspend its hearing on the case against four terrorist suspects, pending a decision by Constitutional Court on the constitutionality of article 157 of the penal code under which the four are charged. The decision was a formality once the suspects' defense lawyers demonstrated to the Criminal Court judge that the Constitutional Court had accepted the case. The head of the Constitutional Court told the Ambassador December 21 that he has five cases already on his docket, and he expects the case to be heard in the next two to three months. In the meantime, the suspects remain under surveillance.

[1](#)2. (C) The Ambassador on December 20 discussed the constitutional case with the President of the Court of Cassation (Supreme Court) Shaikh Khalifa bin Rashid Al Khalifa, who said that the question of the constitutionality of the case is not frivolous. He said that the courts in Cairo had considered a similar law in a criminal case, and viewed it unconstitutional, while in Kuwait the constitutionality of the law had been upheld. Basically, he said, the law punishes people who are involved in the planning of a crime, whether or not they actual carry out the plan. In purely criminal cases, he said, that can be problematic, especially in terms of the evidence. He acknowledged that planning for a terrorist crime is something different, and is something that countries -- not just Bahrain -- are currently grappling with.

MONROE